

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HENRY L. HARRIS,)	
)	
Plaintiff(s),)	No. C 05-1286 BZ
)	
v.)	
)	BRIEFING ORDER
JOHN E. POTTER, U.S.)	
Postmaster General,)	
)	
Defendant(s).)	
)	
)	

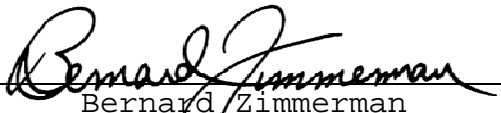
On March 28, 2007 the court issued its Findings of Fact following the evidentiary hearing. In view of those Findings, **IT IS ORDERED** as follows:

If defendant wishes, he may re-notice his motion for summary judgment by **April 9, 2007**, accompanied by a memorandum addressing the Findings of Fact. Defendant need not re-file the documents filed in support of his previous motion but may cite to those documents where appropriate. If defendant files such a motion, plaintiff must file an opposition on or before **April 23, 2007**. Plaintiff also need not re-file any supporting documents but shall cite to plaintiff's earlier

1 filed documents as appropriate.¹ Any reply shall be filed by
2 **April 30, 2007.** The court will then schedule a hearing if one
3 is required.

4 If defendant elects not to re-notice its motion for
5 summary judgment, the court will schedule a status conference
6 for the purpose of setting a pretrial and trial schedule.

7 Dated: March 29, 2007

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9 Bernard Zimmerman
United States Magistrate Judge

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18 ¹ Plaintiff is advised that "[a] motion for summary
19 judgment under Rule 56 of the Federal Rules of Civil Procedure
20 will, if granted, end your case . Rule 56 tells you what you
21 must do in order to oppose a motion for summary judgment.
22 Generally, summary judgment must be granted when there is no
23 genuine issue of material fact--that is, if there is no real
24 dispute about any fact that would affect the result of your
25 case, the party who asked for summary judgment is entitled to
26 judgment as a matter of law, which will end your case. When a
27 party . . . makes a motion for summary judgment that is
28 properly supported by declarations (or other sworn testimony) .
you must set out specific facts in declarations,
depositions, answers to interrogatories, or authenticated
documents, as provided in Rule 56(e), that contradict the facts
shown in the [party's] declarations and documents and show that
there is a genuine issue of material fact for trial. If you do
not submit your own evidence in opposition, summary judgment,
if appropriate, may be entered against you. If summary
judgment is granted, your case will be dismissed and there will
be no trial." Rand v. Rowland, 154 F.3d 952, 963 (9th Cir.
1998).